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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/551,919	04/19/2000	Joseph P.R. Tosey	50014.US01	3485
23552	7590	09/07/2005	EXAMINER	
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			DADA, BEEMNET W	
			ART UNIT	PAPER NUMBER
			2135	

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/551,919	TOSEY, JOSEPH P.R.	
	Examiner	Art Unit	
	Beemnet W. Dada	2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                        |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____   |

*PS*

### DETAILED ACTION

1. This office action is in reply to an amendment filed on June 14, 2005. Claims 1-36 are pending.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 7, 11-12, 18, 22-23, 29, 33, 35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Naito et al. U.S. Patent No. 5,875,345 (hereinafter referred to as Naito) in view of Johnson et al. U.S. Patent No. 5,664,097 (hereinafter referred to as Johnson\_097).

4. As per claims 1, 12, 23 and 35, Naito teaches a method for securing an information processing system such as a personal computer. The method includes an authentication process to start the system [column 2, lines 40-45]. Naito further teaches a method for determining if the system has been unused for a predetermined time period by measuring the expiration of a predetermined time since a last user input, and the system is resumed when user operates the device [column 1, lines 57-62], and suspending the system if it has not been used for a first predetermined period [column 2, lines 45-48]. The method further includes continuing operation if the system resumes back within a second predetermined time period [column 3, lines 63-67 and column 4, lines 1-25]. Naito also teaches performing an authentication process if the system resumes after second predetermined time period [column 3, lines 63-67 and

column 4, lines 1-25]. Naito does not explicitly teach performing authentication when the system resumes within the second predetermined time period. However, Johnson\_097 teaches a data processing system for delaying the activation of inactivity security mechanism by inputting predetermined signal such as voice recognition method, for example comparing a recognizable stored samples of a valid user inputs [column 2, lines 35-44 and column 4, lines 26-28, 41-45]. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Johnson\_097 within the system of Naito so as to include a process to delay locking up of a user interface as per teachings of Johnson\_097. One would have been motivated to make such modification in order to further enhance the usability of the system by preventing multiple inputs of user passwords and only requiring simpler recognizable user inputs to delay activation of inactivity security mechanisms.

5. As per claims 7, 18, 29 and 36, Naito as modified above teaches a method of authorization of a computer system. Naito further teaches continuing operation if the system resumes back within a second predetermined time period [column 3, lines 63-67 and column 4, lines 1-25], but fails to explicitly teach inputting a predetermined signal to the user operated device in the second predetermined period. However, Johnson\_097 teaches a data processing system for delaying the activation of inactivity security mechanism by inputting predetermined signal such as voice recognition method, for example comparing a recognizable stored samples of a valid user inputs [column 2, lines 35-44 and column 4, lines 26-28, 41-45]. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Johnson\_097 within the system of Naito so as to include a process to delay locking up of a user interface as per teachings of Johnson\_097. One would have been motivated to make such modification in order to further enhance the usability of the

system by preventing multiple inputs of user passwords and only requiring simpler recognizable user inputs to delay activation of inactivity security mechanisms.

6. As per claims 11, 22 and 33, Naito as modified above teaches a method of authorization of a computer system. Naito further teaches continuing operation if the system resumes back within a second predetermined time period [column 3, lines 63-67 and column 4, lines 1-25], but fails to explicitly teach inputting a predetermined audio voice signal to the user operated device in the second predetermined period. However, Johnson\_097 teaches a data processing system for delaying the activation of inactivity security mechanism by inputting predetermined signal such as voice recognition method, for example comparing a recognizable stored samples of a valid user inputs [column 2, lines 35-44 and column 4, lines 26-28, 41-45]. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Johnson\_097 within the system of Naito so as to include a process to delay locking up of a user interface as per teachings of Johnson\_097. One would have been motivated to make such modification in order to further enhance the usability of the system by preventing multiple inputs of user passwords and only requiring simpler recognizable user inputs to delay activation of inactivity security mechanisms.

7. Claims 2, 13, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Naito in view of Johnson\_097 as applied to claims 1, 12, and 23 above, and further in view of Johnson et al. U.S. Patent No. 5,682,475 (hereinafter referred to as Johnson\_475).

8. The combination of Naito and Johnson\_097 teach a method of authorization of a computer system, but fails to explicitly teach the authentication steps. However, Johnson\_475

teaches a method and steps of the authentication. The method includes prompting a login entry and a password entry [column 3, 55-60]. The method further includes, first entering a userid, then entering a password, and verifying that the entered userid and password correspond to an authorized user [column 1, 25-35]. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the combination of Naito and Johnson\_097 so as to include an authentication method as per teachings of Johnson\_475, because it will allow a user to be granted access into the system after verifying the userid and password, further improving the security of the system. Therefore it would have been obvious to employ the teachings of Johnson\_475 within the combination of Naito and Johnson\_097 to obtain the claimed invention.

9. Claims 3-6, 14-17, and 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Naito in view of Johnson\_097 as applied to claims 1, 12, and 23 above, and further in view of "System Mode Transition with Notification and Adoption," IBM Technical Disclosure Bulletin, September 1995, Vol. 38, Issue No. 9, pages 153-154 (hereinafter referred to as IBM).

10. As per claims 3, 14, and 25, the combination of Naito and Johnson\_097 as modified above teach a method of authorization of a computer system, but fails to explicitly teach prompting a user that operating session has been suspended. However, IBM teaches a system that notifies (prompts) users of system mode transitions (see IBM). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the combination of Naito and Johnson\_097 so as to include notification as per teachings of IBM, because this modification further notifies users of system mode transitions as per teachings of IBM and allows users to be more conscious and informed about the coming

interruption program. Therefore it would have been obvious to employ the teachings of IBM within the combination of Naito and Johnson\_097 to obtain the claimed invention.

11. As per claims 4, 15, and 26, the combination of Naito and Johnson\_097 as modified above teaches a method of authorization of a computer system, but fails to explicitly teach a prompt comprises display of plurality of icons. However, IBM teaches a system that notifies (prompts) users of system mode transitions, and further suggests various ways of notifying users depending on the hardware and operating system (see IBM). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the combination of Naito and Johnson\_097 so as to include a prompt comprising a display as per teachings of IBM, because this modification further notifies users of system mode transitions as per teachings of IBM and allows users to be more conscious and informed about the coming interruption program. Therefore it would have been obvious to employ the teachings of IBM within the combination of Naito and Johnson\_097 to obtain the claimed invention.

12. As per claims 5, 16 and 27, the combination of Naito and Johnson\_097 as modified above teaches a method of authorization of a computer system, but fails to explicitly teach a prompt that comprises entering a screen saver mode. However, IBM teaches a system that uses a screen saver mode transition and prior notification of transitions (see IBM). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the combination of Naito and Johnson\_097 so as to include a screen saver mode as per teachings of IBM, because this modification further notifies users of system mode transitions as per teachings of IBM. Therefore it would have been obvious to employ the

teachings of IBM within the combination of Naito and Johnson\_097 to obtain the claimed invention.

13. As per claims 6, 17, and 28, the combination Naito and Johnson\_097 as modified above teaches a method of authorization of a computer system, but fails to explicitly teach a prompt comprises of audio signal. However, IBM teaches a system that notifies (prompt) users of system mode transitions, and further suggests various ways of notifying users depending on the hardware and operating system (see IBM). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the combination of Naito and Johnson\_097 so as to include audio signal notification as per teachings of IBM, because this modification further notifies users of system mode transitions as per teachings of IBM and allows users to be more conscious and informed about the coming interruption program. Therefore it would have been obvious to employ the teachings of IBM within the combination of Naito and Johnson\_097 to obtain the claimed invention.

14. Claims 8-10, 19-21, and 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Naito in view of Johnson\_097 as applied to claims 7, 18, and 29 above and further in view of Jalili (U.S. Patent No. 6,209,104).

15. As per claims 8, 19 and 30, the combination of Naito and Johnson\_097 as modified above teaches a method of authorization of a computer system, but fails to explicitly teach a method of selecting predetermined icon displayed by a display device for authentication process. However, Jalili teaches a system where a user selects predetermined icon or icons from a display for authentication process (column 3, lines 10-19). Therefore it would have been



obvious to one having ordinary skill in the art at the time the invention was made to further modify the combination of Naito and Johnson\_097 so as to include visual authentication process as per teachings of Jalili. One would have been motivated to make such modification in view of the suggestion in Jalili, that this modification provides a system that is not easily susceptible to the over-the-shoulder problem (i.e., to password compromise by a third party of the user's keyboard data entry). Therefore it would have been obvious to employ the teachings of Jalili within the combination of Naito and Johnson\_097 to obtain the claimed invention.

16. As per claims 9, 20 and 31, the combination of Naito and Johnson\_097 as modified above teaches a method of authorization of a computer system, but fails to explicitly teach a method of selecting predetermined character displayed by display device for authentication process. However, Jalili teaches a system where a user selects predetermined alphanumeric character display for authentication process (fig 4. and column 3, lines 45-47). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the combination of Naito and Johnson\_097 so as to include visual authentication process as per teachings of Jalili. One would have been motivated to make such modification in view of the suggestion in Jalili, that this modification provides a system that is not easily susceptible to the over-the-shoulder problem (i.e., to password compromise by a third party of the user's keyboard data entry). Therefore it would have been obvious to employ the teachings of Jalili within the combination of Naito and Johnson\_097 to obtain the claimed invention.

17. As per claims 10, 21, and 32, the combination of Naito and Johnson\_097 as modified above teaches a method of authorization of a computer system, but fails to explicitly teach a

method of placing a cursor at a predetermined coordinate for authentication process. However, Jalili teaches a system where a user identifies particular location on set of coordinates for authentication process (Fig 6, and column 7, lines 55-68). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the combination of Naito and Johnson\_097 so as to include visual authentication process as per teachings of Jalili. One would have been motivated to make such modification in view of the suggestion in Jalili, that this modification provides a system that is not easily susceptible to the over-the-shoulder problem (i.e., to password compromise by a third party of the user's keyboard data entry). Therefore it would have been obvious to employ the teachings of Jalili within the combination of Naito and Johnson\_097 to obtain the claimed invention.

18. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Naito in view of Johnson\_097 as applied to claim 29 above, and further in view of Flickner et al. (hereinafter referred to as Flickner) (U.S. Patent No. 6,282,553 B1).

19. As per claim 34 the combination of Naito and Johnson\_097 as modified above teaches a method of authorization of a computer system, but fails to explicitly teach inputting predetermined signal comprises user looking at a predetermined character at a location displayed on a display device. However, Flickner teaches a security method whereby the method includes authentication by receiving a coded input from an eye movement from a user, and the user gazing at least a predetermined key location (column 1, lines 50-57). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the combination of Naito and Johnson\_097 so as to include gaze-based authentication process as per teachings of Flickner. One would have been motivated to make

such modification in view of the suggestion in Flickner that it is advantageous to use gaze-based authentication since it is accurate and inexpensive. Therefore it would have been obvious to employ the teachings of Flickner within the combination of Naito and Johnson\_097 to obtain the claimed invention.

### ***Response to Arguments***

20. Applicant's arguments filed June 14, 2005 have been fully considered but they are not persuasive. Applicant argues that the proposed motivation to combine Naito and Johnson\_097 is not directed towards using an authentication-update process that occurs during the second predetermined time period. Applicant further argues that Naito and Johnson\_097 fail to teach continuing the operation session if the user performs the authentication process after the operation session is suspended and the second predetermined time period is exceeded. Examiner disagrees.

21. As discussed in the last office action Naito teaches an information processing system where, the system enters a suspend mode when a predetermined time has elapsed since a last system operation (first predetermined time) [See Naito, column 4, lines 5-24], and performing authentication if the system resumes after a second predetermined time has elapsed [See Naito, column 4, lines 5-24]. Naito also teaches the system continuing without authentication, if the system resumes within a second predetermined time [See Naito, column 4, lines 5-24], but Naito suggests that in a system where improved security is stressed authentication could be necessary [See Naito, column 3, lines 35-37]. Further, Johnson\_097, teaches voice recognition method for delaying the activation of inactivity security mechanism, thereby eliminating the need

for keyboard password authentication when a user inputs predetermined audio signal when a time limit of a security mechanism is about to expire [column 1, lines 37-45 and column 4, lines 25-47]. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, modification of voice recognition method for delaying the activation of inactivity security mechanism taught by Johnson\_097 into the system of Naito teaches a second predetermined time period that relates to authentication-update process, further enhancing usability of the system by preventing multiple inputs of user passwords and only requiring simpler recognizable user inputs to delay activation of inactivity security mechanisms. The examiner asserts that the art on record teaches the claimed limitations and therefore the rejection is respectfully maintained.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beemnet W. Dada whose telephone number is (571) 272-3847. The examiner can normally be reached on Monday - Friday (9:00 am - 5:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Beemnet Dada

September 5, 2005



KIM VU  
SUPERVISORY PATENT EXAMINER  
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